

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

HUGO SANTAMARIA,

Movant,

v.

Civil Action No. 2:12-1826
(Criminal No. 2:08-00270)

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM OPINION AND ORDER

Pending is the movant's motion pursuant to 28 U.S.C. § 2255.

This action was previously referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission to the court of his Proposed Findings and Recommendation ("PF&R") for disposition pursuant to 28 U.S.C. § 636.

A jury convicted movant on one count of conspiracy to distribute 100 kilograms or more of marijuana, in violation of 21 U.S.C. § 846, and two counts of using intimidation or force against a witness, in violation of 18 U.S.C. § 1512(b). He is serving a 188-month sentence, to be followed by a three-year term of supervised release. He appealed his conviction and

sentence, which was affirmed. The Judgment became final on or about June 16, 2011.

On June 2, 2015, the magistrate entered his PF&R addressing, inter alia, the substance of each of movant's grounds for relief. Finding each of those grounds to lack merit, the magistrate judge recommended that the section 2255 motion be dismissed. On July 14, 2015, movant objected, which objection is considered despite its untimeliness. Movant contends that the magistrate judge incorrectly analyzed the ground relating to the calculation of his sentence of imprisonment. Inasmuch as the magistrate judge correctly analyzes that matter at pages 11-13 of the PF&R, the objection is not meritorious.

It is, accordingly, ORDERED that the movant's motion pursuant to 28 U.S.C. § 2255 be, and it hereby is, denied.

The Clerk is directed to forward copies of this written opinion and order to the movant, all counsel of record, and the magistrate judge.

DATED: August 7, 2015


John T. Copenhaver, Jr.
United States District Judge